

ORDINANCE NO. 08-48

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE III. BOARDS, COMMISSIONS AND COMMITTEES, AND IN PARTICULAR, BY ADDING A NEW DIVISION, DIVISION 7. CHARTER SCHOOL OVERSIGHT COMMITTEE, TO ESTABLISH A CHARTER SCHOOL OVERSIGHT COMMITTEE CONSISTING OF THE MAYOR AND ALL COUNCILMEMBERS TO OVERSEE THE OPERATIONS OF CITY-SPONSORED CHARTER SCHOOLS AND WHOSE TERM OF SERVICE ON THE COMMITTEE COINCIDES WITH THEIR RESPECTIVE TERMS IN OFFICE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the specific purpose of this ordinance is to establish an oversight mechanism for operating city-sponsored charter schools, through a Charter School Oversight Committee, consisting of the Mayor and members of the City Council, with the first task to oversee the beginning of the Hialeah Education Academy located at Slade Park, a city-sponsored charter school that received its charter on September 5, 2007 from The School Board of Miami-Dade County.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", Article III. Boards, Commissions and Committees, of the Code of Ordinances of the City of Hialeah, Florida, is hereby amended, by adding a new division, Division 7. Charter School Oversight Committee, to read as follows:

Chapter 2

ADMINISTRATION

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**ARTICLE III. BOARDS, COMMISSIONS
AND COMMITTEES**

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DIVISION 7. CHARTER SCHOOL OVERSIGHT COMMITTEE*

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Sec. 2-750. Established.

The city establishes a charter school oversight committee with the intent and purpose to provide supervision of the operation of city-sponsored charter schools through charters granted by The School Board of Miami-Dade County or granted by the state, as co-sponsor with the Florida Schools of Excellence Commission.

Sec. 2-751. Composition, compensation and term of service.

The charter school oversight committee shall consist of the mayor and all seven councilmembers. The mayor and each councilmember shall serve on the charter school oversight committee without additional compensation. Each term of service for each member shall coincide with the term of office of each elected official.

Sec. 2-752. Meetings.

The charter school oversight committee shall establish the date, time and place of its meetings. Procedures for election of chairperson and vice-chairperson and for quorum to conduct business and voting shall be according to the provisions of section 2-584 hereof.

Sec. 2-753. Supervisory responsibilities.

The charter school oversight committee shall oversee the operations of the city-sponsored charter school. Accordingly, the charter school oversight committee may delegate daily management of a city-sponsored charter school.

Sec. 2-754. Duties and powers.

(a) The enumerated powers and duties of the charter school oversight committee for charters granted by The School Board of Miami-Dade County to the city are as follows:

- (1) Provide oversight and supervision for all of the charter school operations;
- (2) Establish policies regarding educational philosophy, and oversee assessment and accountability procedures to ensure that student performance standards are met or exceeded;
- (3) Provide oversight and guidance in the creation and modification of the curriculum and approving an annual budget;
- (4) Employ or remove personnel, including, but not limited to, the director/principal, teachers, support staff and technical and maintenance personnel or enter into an agreement with a charter school management company to exercise this responsibility;
- (5) Adopt rules, policies, standards and programs that are consistent with all applicable federal, state and local law and all rules and regulations that are necessary or desirable for the efficient operation and general improvement of a city-sponsored charter school; and
- (6) Follow the city procurement procedures and spending limitations that require approval as provided in the Charter and Code.

(b) The powers and duties granted to the charter school oversight committee for charters granted by the City as co-sponsor with the Florida Schools for Excellence are as follows:

- (1) Grant school charters and carry out all such other duties provided in the co-sponsorship agreement with the Florida Schools for Excellence pursuant to F.S. §1002.335(7); and
- (2) Follow the city procurement procedures and spending limitations that require approval as provided in the Charter and Code.

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Section 2: **Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 10th day of June, 2008.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



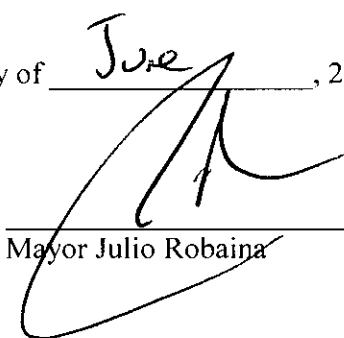
Esteban Bovo
Council President

Attest:

Approved on this 14 day of June, 2008



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

*Since an entirely new section is being adopted, the City will not indicate the new provisions of this section by underlining.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".